Access DB#	
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# SEARCH REQUEST FORM

### Scientific and Technical Information Center

Requester's Full Name: _		Examiner # : 70718 I	
Art Unit: _2/76		Serial Number: <u>09/9</u>	
Mail Box and Bldg/Room	1 Location: <u>CPK2/4RO1</u> Res OR 4RO5 (My office		PAPER DISK E-MAIL
	is submitted, please prioriti		j. *******
Include the elected species or s utility of the invention. Define	ment of the search topic, and describe structures, keywords, synonyms, acroi e any terms that may have a special m f the cover sheet, pertinent claims, and	nyms, and registry numbers, and con leaning. Give examples or relevant c	bine with the concept or
Title of Invention:	thool for Gener	gfing a Display L	Hilizing Objects
Inventors (please provide ful	ll names): Richard F. Sheh Stanley C. Person	ton, Konald E. Nora	len-Payl, Andree
Earliest Priority Filing Da	. 5	shelton	
*For Sequence Searches Only* I appropriate serial number.	Please include all pertinent information	(parent, child, divisional, or issued pate	nt numbers) along with the
Lifigation	segrch —	See Attached	
Parent Pa	Lent 5,208	, 907	
Continuation	a of 07/322	740, ABXS	
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STAFF USE ONLY	Type of Search	Vendors and cost where applicable
Searcher:	NA Sequence (#)	STN
Searcher Phone #:	AA Sequence (#)	Dialog
Searcher Location:	Structure (#)	Questel/Orbit
Date Searcher Picked Up:	Bibliographic	Dr.Link
Date Completed:	Litigation	Lexis/Nexis
Searcher Prep & Review Time:	Fulltext	Sequence Systems
Clerical Prep Time:	Patent Family	WWW/Internet
Online Time:	Other	Other (specify)
		·

PTO-1590 (8-01)

Docket as of March 22, 2002 1:10 am

Web PACER (v2.3)

### **U.S. District Court**

### U.S. District Court for the District of Arizona (Tucson)

### **CIVIL DOCKET FOR CASE #: 00-CV-496**

### Scheduling.com Inc v. Eclipsys Corporation, et al

Filed: 08/24/00
Assigned to: Judge William D Browning
Demand: \$0,000
Nature of Suit: 830
Lead Docket: 00-CV-272
Jurisdiction: Federal Question

Dkt# in other court: None Cause: 28:2201 Declaratory Judgment

SCHEDULING.COM INC, a Delaware corporation

pla

ECLIPSYS CORPORATION, a Delaware corporation

aware corpor. dft

EMTEK HEALTH CARE SYSTEMS, INC., an Arizona corporation dft

Michael F Bailey, Esq FAX (602)351-8516 [COR LD NTC -] Brown & Bain PA PO Box 400 Phoenix, AZ 85001-0400 (602)351-8000 Paul Allen Conant, Esq FAX (602)955-1585 [COR LD NTC -] Galbut Hunter & Conant PC 2425 E Camelback Rd Ste 1020

Phoenix, AZ 85016 (602)955-1455 Steven Grant Hill FAX (770)953-1358 [COR LD NTC -] Jeffrey Brooks Kent [COR LD NTC -] Hill & Kertscher, LLP

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Phoenix, AZ 85016 (602)955-1455 Steven Grant Hill FAX (770)953-1358 [COR LD NTC -] ECLIPSYS CORPORATION counter-claimant

EMTEK HEALTH CARE SYSTEMS, INC.

counter-claimant

v. SCHEDULING.COM INC counter-defendant Jeffrey Brooks Kent [COR LD NTC -] Hill & Kertscher, LLP 2859 Paces Ferry Road Ste 750 Atlanta, GA 30339 (770) 953-0995 Paul Allen Conant, Esq FAX (602)955-1585 [COR LD NTC -] Galbut Hunter & Conant PC 2425 E Camelback Rd Ste 1020 Phoenix, AZ 85016 (602) 955-1455 Paul Allen Conant, Esq (See above) [COR LD NTC -]

Michael F Bailey, Esq FAX (602)351-8516 [COR LD NTC -] Brown & Bain PA PO Box 400 Phoenix, AZ 85001-0400 (602)351-8000

# **DOCKET PROCEEDINGS**

DATE	#	DOCKET ENTRY
8/24/00	1	COMPLAINT filed regarding (patent/trademark). Copy of complaint and docket sent to Washington, DC. (br) [Entry date 08/24/00] [4:00cv496]
8/30/00	2	RETURN OF SERVICE EXECUTED personally upon dft Emtek Health Care on 8/25/00 of summons, complaint for declaratory relief (br) [Entry date 08/31/00] [4:00cv496]
8/31/00	3	RETURN OF SERVICE EXECUTED personally upon dft Eclipsys Corporation on 8/25/00 re summons and complaint (br) [Entry date 09/01/00] [4:00cv496]
9/13/00	4	MOTION to consolidate case with CIV 99-619 TUC-WDB by Eclipsys Corporation, Emtek Health Care [4-1] (br) [Entry date 09/14/00] [Edit date 09/14/00] [4:00cv496]
9/13/00	5	BRIEF FILED by Eclipsys Corporation, Emtek Health Care regarding motion to consolidate case with CIV 99-619 TUC-WDB by Eclipsys Corporation, Emtek Health Care [4-1] [4-1] (br) [Entry date 09/14/00] [4:00cv496]
9/13/00	6	ANSWER AND COUNTERCLAIM by Eclipsys Corporation, Emtek Health Care against Scheduling.com Inc (br) [Entry date 09/14/00] [4:00cv496]

9/19/00	7	NOTICE of service of discovery by Scheduling.com Inc . (br) [Entry date $09/20/00$ ] [4:00cv496]
9/22/00	8	RESPONSE by Scheduling.com Inc to motion to consolidate case with CIV 99-619 TUC-WDB by Eclipsys Corporation, Emtek Health Care [4-1] (br) [Entry date 09/25/00] [4:00cv496]
9/26/00	9	MOTION for pro hac vice by Eclipsys Corporation, Emtek Health Care re Jeffrey Brooks Kent [9-1] (br) [Entry date 09/27/00] [4:00cv496]
9/26/00	10	MOTION for pro hac vice by Eclipsys Corporation, Emtek Health Care as to Steven G Hill [10-1] (br) [Entry date 09/28/00] [4:00cv496]
9/29/00	11	ORDER by Judge William D. Browning granting motion for pro hac vice by Eclipsys Corporation, Emtek Health Care re Jeffrey Brooks Kent [9-1] (cc: all counsel) (br) [Entry date 09/29/00] [4:00cv496]
10/2/00	12	ORDER by Judge William D. Browning granting motion for pro hac vice by Eclipsys Corporation, Emtek Health Care as to Steven G Hill [10-1] (cc: all counsel) (br) [Entry date 10/02/00] [4:00cv496]
10/3/00		ORDER by Judge William D. Browning granting motion to consolidate case CV 00-496-TUC-WDB with CV 00-278-TUC-WDB, CV 00-272-TUC-WDB and CV 99-619 TUC-WDB by Eclipsys Corporation, Emtek Health Care [4-1], all future filings shall be made under CV 99-619-TUC-WDB and contain the captions of each of the consolidated cases cited above. (cc: all counsel) (br) [Entry date 10/03/00] [4:00cv496]
10/5/00		ORDER by Judge William D. Browning granting Motion for Admission of Attorney Pro Hac Vice re Jeffrey Brooks Kent for defendants (cc: all counsel) re: order [0-1] (br) [Entry date 10/05/00] [4:00cv496 4:99cv619]
10/12/00		MINUTE ENTRY before Judge William D. Browning Crt Rptr: M. Lopez Telephonic Hearing/Discovery Dispute; prel scheduling conf set for 11:00 10/30/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496, the parties shall furnish the Court with a proposed scheduling order no later then 5:00, 10/25/00 [0-3] (br) [Entry date 10/12/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
10/26/00		MINUTE ORDER; prel scheduling conf reset for 10:00 10/30/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496 (cc: all counsel) [0-2] (bsw) [Entry date 10/26/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
10/30/00		ORDER by Judge William D. Browning denying motion to accelerate motion to hrg on strike by pla Scheduling.com, Inc., dft Dale Knight in 4:99-cv-00619, dft Patricia Fletcher in 4:99-cv-00619, dft Jeffery Muir in 4:99-cv-00619, dft JPM Group Inc in 4:99-cv-00619 [87-2] in 4:99-cv-00619; it is further ordered that if JPM Group still requests that a hearing be held on its mtn that it so state in its reply. (cc: all counsel) (bsw) [Entry date 10/30/00] [4:00cv272 4:00cv278 4:00cv496

4:99cv619]

- 10/31/00 -- ORDER by Judge William D. Browning granting motion to exceed the page limit to allow Exlipsys to file a brief in resp to Dft JPM Group's mtn to dism & for partial sum jgm by pla Eclipsys Corporation in 4:99-cv-00619 [90-1] in 4:99-cv-00619 (cc: all counsel) (bsw) [Entry date 10/31/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 10/31/00 -- MINUTE ENTRY before Judge William D. Browning Crt Rptr:
  Martin Lopez; prel scheduling conf held; counsel state to
  the Crt their suggestions for the various ddls to be set in
  this matter; the Crt takes this matter under advisement; a
  formal order to follow. [cc: all cnsl] [0-2] (bsw)
  [Entry date 10/31/00] [4:00cv272 4:00cv278 4:00cv496
  4:99cv619]
- 11/1/00 -- SCHEDULING ORDER by Judge William D. Browning ; discovery due 5/2/02 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496 ; dispositive motions due 6/27/02 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496 ; joint settlement Status report ddl set for 4/28/01 & every 60 days thereafter in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496 (cc: all counsel) (bsw) [Entry date 11/01/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 11/8/00 -- ORDER by Judge William D. Browning denying motion to strike redundant portions of dfts' counterlaims filed by pla Scheduling.com, Inc [77-1] in 4:99-cv-00619 (cc: all counsel) (bsw) [Entry date 11/08/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- ORDER by Judge William D. Browning denying motion to 11/13/00 -strike from Eclipsys Corporation's mtn for scheduling Conference & memorandum in support the scandalous, false & unsupported allegations of fraud allegedly committed by Michael F Bailey on behalf of JPM Group during the course of settlement negotiations re the fact that it was having no further contact with Eclipsys employees, & did not intend to hire any further employees - [which] induced Eclypsys to enter into the settlement agreement under false pretenses by pla Scheduling.com, Inc., dft Dale Knight in 4:99-cv-00619, dft Patricia Fletcher in 4:99-cv-00619, dft Jeffery Muir in 4:99-cv-00619, dft JPM Group Inc in 4:99-cv-00619 [87-1] in 4:99-cv-00619; denying JPM's mtn for accelerated hearing (cc: all counsel) (bsw) [Entry date 11/13/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 11/17/00 -- MINUTE ORDER setting motion for partial summary judgment pur to Rules 12(b)(6) & 56(b) by dft JPM Group Inc in 4:99-cv-00619 [66-1] at in 4:99-cv-00619 8:30 12/7/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496, setting motion &/or to dismiss claims: Cts 1, 3, 4, 5 & 9 by dft JPM Group Inc in 4:99-cv-00619 [66-2] at in 4:99-cv-00619 8:30 12/7/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496 (cc: all counsel) [0-1] (bsw) [Entry date 11/17/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- ORDER by Judge William D. Browning denying w/o prejudice motion to compel JPM Group to produce documents by pla Eclipsys Corporation in 4:99-cv-00619 [79-1] in 4:99-cv-00619 (cc: all counsel) (bsw) [Entry date 11/21/00]

[4:00cv272 4:00cv278 4:00cv496 4:99cv619]

#### 11/22/00 --

MINUTE ORDER setting motion for partial summary judgment pur to Rules 12(b)(6) & 56(b) by dft JPM Group Inc in 4:99-cv-00619 [66-1] at in 4:99-cv-00619 11:00 12/13/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496, setting motion &/or to dismiss claims: Cts 1, 3, 4, 5 & 9 by dft JPM Group Inc in 4:99-cv-00619 [66-2] at in 4:99-cv-00619 11:00 12/13/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496 (cc: all counsel) [0-1] (pb) [Entry date 11/22/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]

#### 12/1/00 --

PROTECTIVE ORDER by Judge William D. Browning : it is ordered that this protective order covers the following areas which are detailed at length in the order itself: 1) Information Covered; 2) Legends; 3) Document Production Designation Procedure; 4) Deposition Designation Procedure; 5) Protected Categories; 6) Permitted Disclosure; 7) Permitted Disclosure; 8) Permitted Use of Designated Information; 9) In-House Consultants; 10) Outside Experts & Consultants; 11) Filing Under Seal; 12) Use at Trial or In Hearings; 13) Use In Repositions; 14) Inadvertent Disclosure; 15) Inadvertent Disclosure; 16) No Inadvertent Waiver; 17) Procedure to Challenge Designations; 18) Protection of Designated Information Subject to Legal Process; 19) Procedure Upon Termination of this Action; also ordered that this Protective order shall survive the termination of this litigation; any party may, on mtn & for good cause shown, seek a modification of this Protective Order; this order replaces all prior protective orders entered in these consolidated actions. Designations previously made under whose orders shall henceforth carry the same force, effect & obligations as equivalent designations under this order. (cc: all counsel) re: order [0-1] (bsw) [Entry date 12/01/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]

#### 12/5/00 --

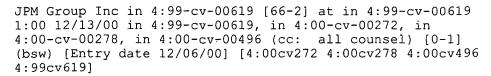
ORDER by Judge William D. Browning granting stipulation in 4:99-cv-00619 to file stipulated order; ord that the following portions of pla first amended cmp filed pursuant to Court ord, dated 8/29/00; are hearby stricken (see order for details). (cc: all counsel) (mah) [Entry date 12/05/00] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]

#### 12/6/00 --

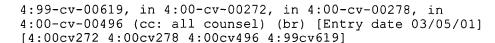
MINUTE ORDER setting motion for partial summary judgment pur to Rules 12(b)(6) & 56(b) by dft JPM Group Inc in 4:99-cv-00619 [66-1] at in 4:99-cv-00619 1:00 12/13/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496, setting motion &/or to dismiss claims: Cts 1, 3, 4, 5 & 9 by dft JPM Group Inc in 4:99-cv-00619 [66-2] at in 4:99-cv-00619 1:00 12/13/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496 (cc: all counsel) [0-1] (bsw) [Entry date 12/06/00] [4:00cv272 4:00cv278 4:00cv496]

### 12/6/00 --

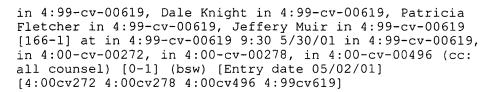
MINUTE ORDER setting motion for summary judgment by dft Patricia Fletcher in 4:99-cv-00619 [72-1] at in 4:99-cv-00619 1:00 12/13/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496, setting motion for partial summary judgment pur to Rules 12(b)(6) & 56(b) by dft JPM Group Inc in 4:99-cv-00619 [66-1] at in 4:99-cv-00619 1:00 12/13/00 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496, setting motion &/or to dismiss claims: Cts 1, 3, 4, 5 & 9 by dft



- 12/14/00 -- MINUTE ENTRY before Judge William D. Browning Crt Rptr:
  Martin Lopez taking under advisement on 12/13/00 the motion
  for summary judgment by dft Patricia Fletcher in
  4:99-cv-00619 [72-1] in 4:99-cv-00619; a formal order to
  follow. [cc: all cnsl] [0-1] (bsw) [Entry date 12/14/00]
  [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 1/5/01 -- ORDER by Judge William D. Browning that pla Scheduling.com's requests for declaratory jgm re U.S. Patent Nos. 5,301,319, 5,252,362, 5,247,611, 5,077,666, and 5,072,383 as filed in case CV 00-496-TUC-WDB are dismissed w/out prejudice (cc: all counsel) re: order [0-1] (mah) [Entry date 01/05/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- ORDER by Judge William D. Browning granting in part and 1/5/01 denying in part motion &/or to dismiss claims Cts 1, 3, 4, 5 & 9 and mtn for partial summary jgm by dft JPM Group Inc as follows: Count 1) denied w/out prejudice, Count 3) denied, Count 4) granted, Count 5) granted, Count 9) denied; granting in part and denying in part motion for partial summary judgment by Patricia Fletcher as follows: Count 1) granted, Count 2) granted, Count 4) granted, Count 6) denied w/out prejudice, Count 8) granted ; granting in part, denying in part, and dismissed as moot in part motion to continue sum jgm hearings by pla Eclipsys Corporation as follows: [117-1] as to JPM's mtn for summary jgm, Eclipsys's mtn as to the counts at issue is decided as follows: Count 1) denied as to customer info, granted as to technical trade secrets, Count 3) dismissed as moot, Count 4) denied, and Count 9) dismissed as moot (cc: all counsel) (mah) [Entry date 01/05/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 1/25/01 -- ORDER by Judge William D. Browning granting stipulation in 4:99-cv-00619 that the 2/1/01 ddl for discovery re the fraud clm shall be extended to 2/9/01 (cc: all counsel) (bsw) [Entry date 01/25/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- ORDER by Judge William D. Browning granting motion withdraw of counsel Robert L Kann, Christopher K
  Barry-Smith and Karen L Peterson by pla Eclipsys
  Corporation in 4:00-cv-00272 [7-1] in 4:00-cv-00272 granted motion for leave to file consolidated reply in support of motions for expedited discovery and preliminary injunction by Eclipsys Corporation [1-1] . in 4:00-cv-00278, finding the motion to waive usual procedures and expedite discovery by Eclipsys Corporation [1-1] (filed in District of Colorado) moot. in 4:00-cv-00278, finding the motion for preliminary injunction by Eclipsys Corporation [1-1] (filed in the District of Colorado) moot. in 4:00-cv-00278; (cc: all counsel) (bsw) [Entry date 02/01/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 3/5/01 -- ORDER by Judge William D. Browning granting stipulation that the deadline for submitting the proposed joint pre-trial order on the fraud claim shall be extended to 3/9/01 in 4:99-cv-00619; PTO ddl set for 3/9/01 in



- 3/12/01 -- ORDER by Judge William D. Browning granting stipulation in 4:99-cv-00619 to continue the pretrial schedule. It is ordered that the Joint Proposed Pretrial Order shall be due 10 days after the Crt rules on hte pending mtn for sum jgm on the fraud clm after close of discovery filed by dft Scheduling.com, & that the trial shall be set to begin within 30 days from the date the Crt rules on the sum jgm mtn. (cc: all counsel) (bsw) [Entry date 03/12/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 3/13/01 -- ORDER by Judge William D. Browning denying motion dismiss as a Sanction for Violation of Rule 11; the patent invalidity clms of Scheduling.com Inc w/prejudice by pla Eclipsys Corporation in 4:99-cv-00619 [147-1] in 4:99-cv-00619 (cc: all counsel) (bsw) [Entry date 03/13/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 3/27/01 -- ORDER by Judge William D. Browning granting motion for pro hac vice re Peter Schoenthaler by Eclipsys Corporation in 4:99-cv-00619 [178-1] in 4:99-cv-00619 (cc: all counsel) (br) [Entry date 04/02/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 4/2/01 -- ORDER by Judge William D. Browning denying motion for partial summary judgment on anticipation by pla Eclipsys Corporation in 4:99-cv-00619 [149-1] in 4:99-cv-00619 (cc: all counsel) (br) [Entry date 04/02/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 4/2/01 -- ORDER by Judge William D. Browning granting motion for pro hac vice re Eric G Maurer by Eclipsys Corporation in 4:99-cv-00619 [177-1] in 4:99-cv-00619 (cc: all counsel) (br) [Entry date 04/02/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 4/20/01 -- ORDER by Judge William D. Browning granting stipulation in 4:99-cv-00619. Pla must submit clm construction charts & infringement charts on or before 5/21/01. Dft's responsibe charts are due on or before 8/3/01. No other ddls are set forth in the Scheduling Order are changed by this Order. (cc: all counsel) (bsw) [Entry date 04/20/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 4/24/01 -- ORDER by Judge William D. Browning granting motion to exceed the page limit by dft Dale Knight in 4:99-cv-00619, dft Scheduling.com, Inc., dft Patricia Fletcher in 4:99-cv-00619, dft Jeffery Muir in 4:99-cv-00619 [191-1] in 4:99-cv-00619 (cc: all counsel) (bsw) [Entry date 04/24/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 5/1/01 -- MINUTE ORDER setting motion for summary judgment on the fraud claim after close of discovery by Scheduling.com Inc in 4:99-cv-00619, Dale Knight in 4:99-cv-00619, Patricia Fletcher in 4:99-cv-00619, Jeffery Muir in 4:99-cv-00619 [166-1] at in 4:99-cv-00619 9:30 5/17/01 in 4:99-cv-00619, in 4:00-cv-00272, in 4:00-cv-00278, in 4:00-cv-00496 (cc: all counsel) [0-1] (bsw) [Entry date 05/01/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 5/2/01 -- MINUTE ORDER setting motion for summary judgment on the fraud claim after close of discovery by Scheduling.com Inc



- ORDER by Judge William D. Browning granting motion for summary judgment by dft Dale Knight in 4:99-cv-00619, dft Jeffery Muir in 4:99-cv-00619 [181-1] in 4:99-cv-00619 terminating party Jeffery Muir in 4:99-cv-00619, party Dale Knight in 4:99-cv-00619 (cc: all counsel) (bsw) [Entry date 05/16/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 5/18/01 -- MINUTE ORDER granting motion for oral argument on Scheduling.Com's motion for summary judgment on the fraud claim after close of discovery by Scheduling.com Inc in 4:99-cv-00619, Dale Knight in 4:99-cv-00619, Patricia Fletcher in 4:99-cv-00619, Jeffery Muir in 4:99-cv-00619 [169-1] in 4:99-cv-00619 (cc: all counsel) [0-1] (bsw) [Entry date 05/18/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 5/30/01 -- MINUTE ENTRY before Judge William D. Browning Crt Rptr:
  Peggie Robb taking under advisement on 5/30/01 the motion
  for summary judgment on the fraud claim after close of
  discovery by Scheduling.com Inc in 4:99-cv-00619, Dale
  Knight in 4:99-cv-00619, Patricia Fletcher in
  4:99-cv-00619, Jeffery Muir in 4:99-cv-00619 [166-1] in
  4:99-cv-00619. A formal order to follow. [cc: all cnsl]
  [0-1] (bsw) [Entry date 05/30/01] [4:00cv272 4:00cv278
  4:00cv496 4:99cv619]
- 6/20/01 -- MOTION for attorney's fees by dft Dale Knight in 4:99-cv-00619 [0-1] (sms) [Entry date 06/21/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 6/20/01 -- STATEMENT by dft Dale Knight in 4:99-cv-00619 re motion for attorney's fees by dft Dale Knight in 4:99-cv-00619 [0-1] [207-1] in 4:99-cv-00619 (sms) [Entry date 06/21/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 6/20/01 -- DECLARATION of Michael F Bailey re motion for attorney's fees by dft Dale Knight in 4:99-cv-00619 [0-1] [207-1] in 4:99-cv-00619 by dft Dale Knight in 4:99-cv-00619 (sms) [Entry date 06/21/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 6/20/01 -- MOTION for attorney's fees by dft Jeffery Muir in 4:99-cv-00619 [0-1] (sms) [Entry date 06/21/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 6/20/01 -- STATEMENT by dft Jeffery Muir in 4:99-cv-00619 re motion for attorney's fees by dft Jeffery Muir in 4:99-cv-00619 [0-1] [210-1] in 4:99-cv-00619 (sms) [Entry date 06/21/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 6/20/01 -- DECLARATION of Michael F Bailey re motion for attorney's fees by dft Jeffery Muir in 4:99-cv-00619 [0-1] [210-1] in 4:99-cv-00619 (sms) [Entry date 06/21/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]
- 6/25/01 -- ORDER by Judge William D. Browning vacating order (doc#50) consolidating cases, that this case is dismissed

with prejudice and that case CV 00-272-TUc-WDB shall proceed as consolidated with CV 00-496 TUC-WDB, all future filings shall use a caption similar to the model caption attached to this order [50-2] in 4:99-cv-00619 (cc: all counsel) (sms) [Entry date 06/25/01] [4:00cv272 4:00cv278 4:00cv496 4:99cv619]

- 9/7/01 -- ADJUSTED SCHEDULING ORDER by Judge William D. Browning;
  Joint claim construction stmt 10/10/01; witness list
  10/31/01; discl 2/28/02; fact discovery 4/30/02; rebuttal
  expert testimony 5/31/01; expert disc 6/28/02; discovery
  due 6/28/02 in 4:00-cv-00272, in 4:00-cv-00496;
  dispositive motions due 7/31/02 in 4:00-cv-00272, in
  4:00-cv-00496 granting stipulation ADJUST PRETRIAL
  SCHEDULE, by pla, dft in 4:00-cv-00272 (cc: all counsel)
  (matt) [Entry date 09/07/01] [4:00cv272 4:00cv496]
- 10/12/01 -- ORDER by Judge William D. Browning re: joint claim construction statement [29-1]; Claim Construction hearing set for 9:30 12/19/01 in 4:00-cv-00272, in 4:00-cv-00496; Eclipsys shall file its opening brief on or before 11/7/01; Scheduling.com shall file its response brief on or before 11/14/01; Eclipsys shall file its reply brief on or before 12/3/01 (cc: all counsel) (sjd) [Entry date 10/12/01] [4:00cv272 4:00cv496]
- 11/28/01 --ORDER by Judge William D. Browning that Scheduling.com shall file its replies in support of its four pending motions for summary judgment and its responses to Eclipsys' pending cross-motion on or before 12/14/01; Eclipsys shall file its reply in support of its pending cross-motion for summary judgment on or before 12/31/01; setting oral arguments re motion for partial summary judgment re U.S. Patent 4,878,175 by pla Eclipsys Corporation in 4:00-cv-00272 [63-1] at 10:00 1/15/02; Scheduling.com shall file a motion for summary judgment re US Patent 5,208,907, if appropriate on or before 2/4/02; Eclipsys shall file a response and any cross-motions to Scheduling.com's motion for summary judgment re US Patent 5,208,907 on or before 2/25/02; Scheduling.com shall file its appropriate response and reply re US Patent 5,208,907 on or before 3/18/02; Eclipsys shall file its reply in support of its cross-motion for summary judgment re US Patent 5,208,907 on or before 4/3/02; Court shall hear oral arguments re the pending motions for summary judgment re US Patent 5,208,907 on 4/12/02 at 10:00 (cc: all counsel) (sjd) [Entry date 11/28/01] [4:00cv272 4:00cv496]
- 1/15/02 --MINUTE ENTRY before Judge William D. Browning . Crt Rptr: B Brunotte. taking under advisement on 1/15/02 the motion for partial summary judgment #1 re '175 patent of non-infringement under patient medical information form limitation and supporting memorandum by Scheduling.com Inc in 4:00-cv-00272 [39-1] in 4:00-cv-00272, taking under advisement on 1/15/02 the motion for partial summary judgment #2 re '175 patent of non-infringement based on parameter limitation and supporting memorandum by Scheduling.com Inc in 4:00-cv-00272 [41-1] in 4:00-cv-00272, taking under advisement on 1/15/02 the motion for summary judgment #3 re: '175 patent of noninfringement under means-plus-function limitations by Scheduling.com Inc in 4:00-cv-00272 [43-1] in 4:00-cv-00272, taking under advisement on 1/15/02 the motion for summary judgment #4 re: '175 patent of unenforceablilty bacause of inequitable conduct by

Scheduling.com Inc in 4:00-cv-00272 [45-1] in 4:00-cv-00272, taking under advisement on 1/15/02 the motion for partial summary judgment re U.S. Patent 4,878,175 by pla Eclipsys Corporation in 4:00-cv-00272 [63-1] in 4:00-cv-00272 ] [0-1] (sjd) [Entry date 01/15/02] [4:00cv272 4:00cv496]

2/27/02 --

ORDER by William M McCool, Cheif Deputy, that deposition costs pursuant to Local Rule 2.19(e)(3), of the \$6,807.50 claimed, only \$5,766.80 is allowed; therefore, \$5,766.80 be taxed by the Clerk and made a pert of the judgment (cc: all counsel) re: order filed [0-1] (sjd) [Entry date 02/27/02] [4:00cv272 4:00cv496]

Case Flags: TERMED CONSOL

### END OF DOCKET: 4:00cv496

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Transaction Receipt				
10/29/2002 12:31:58				
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Description:	docket report	Search Criteria:	4:00cv00496	
Billable Pages:	12	Cost:	0.84	





## STATEMENT OF INOPERATIVENESS

An argument can be made that U.S. Patent No. 5,208,907 may be partly inoperative under 35 U.S.C Section 112 based upon potentially unclear language in some of the claims of the patent, which became apparent during a court proceeding of <u>Scheduling.com</u>, <u>Inc. v. Eclipsys Corporation and Emtek Heaklth Care Systems</u>, <u>Inc.</u>, Civil Action No. Civ00-496-TUC-WDB, in the <u>United States</u> District Court for the <u>District</u> of Arizona to enforce the patent. At least one error being relied upon as the basis for the reissue is as follows.

Claim 1, step (c), reads as follows:

FROM-ECLIPSYSE!

"using said processing means, assigning a plurality of files to each of said objects in said object list, at least one of said tiles being assigned to a group of said objects, and at least a second of said tiles being assigned to an individual one of said objects"

An argument is being made by a party to the aforementioned litigation that claim 1 is invalid under 35 U.S.C Section 112, because the specification of U.S. Patent No. 5,208,907 does not support assigning a plurality of tiles to a single object, which is allegedly recited in step (c). However, as is clear from the specification of U.S. Patent No. 5,208,907 and the file history, this is an untended interpretation of this claim language. The language of the last two clauses of this step (c), i.e., "at least one of said tiles ... objects," was added in an amendment to overcome prior art and to further define the first clause of this step (c), i.e., "using said processing means, assigning a plurality of tiles to each of said objects in said object list." Then, in a later amendment by applicants, the underlined language "to each of said objects" was added to overcome an antecedent basis objection/rejection (not to overcome prior art), which led to this potential clarity problem and this unintended interpretation of this claim.

Source: All Sources > Area of Law - By Topic > Patent Law > Patents > U.S. Patents > Utility, Design and Plant Patents

Terms: patno=5208907 (Edit Search)

Pat. No. 5,208,907, \*

LEXIS-NEXIS
Library: PATENT
File: ALL

5,208,907

#### ◆ GET 1st DRAWING SHEET OF 10

May 4, 1993

Method for generating a display utilizing objects in an object list

REISSUE: Reissue Application filed Oct. 9, 2001 (O.G. Feb. 19, 2002) Ex. Gp.: 2763; Re. S.N.

09/974,515

INVENTOR: Shelton, Richard E., Mesa, Arizona

Norden-Paul, Ronald E., Tempe, Arizona Thurman, Audree A., Phoenix, Arizona Person, Stanley C., Mesa, Arizona

ASSIGNEE-AT-ISSUE: Emtek Health Care Systems, Inc., Tempe, Arizona (02)

ASSIGNEE-AFTER-ISSUE: Date Transaction Recorded: Jun. 26, 1998

SECURITY INTEREST (SEE DOCUMENT FOR DETAILS).

FIRST UNION NATIONAL BANK, AS AGENT 301 SOUTH COLLEGE STREET CORPORATE FINANCE

CHARLOTTE, NORTH CAROLINA 28288 Reel & Frame Number: 009279/0220

Date Transaction Recorded: Jun. 05, 2000

ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ECLIPSYS CORPORATION 777 EAST ATLANTIC AVENUE, SUITE 200 DELRAY BEACH, FLORIDA

33483

Reel & Frame Number: 010871/0697

**APPL-NO:** 540,382

FILED: Jun. 19, 1990

**REL-US-DATA:** 

Continuation of Ser. No. 322,740, Mar. 13, 1989 now abandoned

INT-CL: [5] G06F 15#20

**US-CL:** 707#505; 345#344; 707#4; 707#509; 707#530;

**SEARCH-FLD:** 364#401, 403, 406, 413.02, 413.03, 523, 200, 900; 235#385; 395#149,

155-161

PRIM-EXMR: Herndon, Heather R.

LEGAL-REP: Nielsen; Walter W.

McGurk, IV; Harold C.

CORE TERMS: tile, display, manager, cell, input, region, user, displayed, processing, module...

#### PARCASE:

This application is a continuation of prior application Ser. No. 07/322,740, filed Mar. 13, 1989, now abandoned.

Source: All Sources > Area of Law - By Topic > Patent Law > Patents > U.S. Patents > Utility, Design and Plant

Patents 1

Terms: patno=5208907 (Edit Search)

View: Custom - Modify

Segments: After-issue, Appl-no, Assign-action, Assign-contact, Assign-date, Assign-frame, Assign-reel, Assignee,

Assignor-info, Asst-exmr, At-issue, Certcorr, Date, Exmr, Expiration-date, Filed, For-prior, Govt-int, Int-cl,

Inventor, Legal-rep, Lit-reex, Parcase, Patno, Pct-filed, Pct-no, Pct-pub-date, Pct-pub-no, Prim-exmr, Reex-cert,

Reissue, Rel-us-data, Search-fld, Sect-102e-date, Sect-371-date, Title, Us-cl

Date/Time: Tuesday, May 14, 2002 - 9:09 AM EDT

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LEXIS-NEXIS
Library: PATENT
File: JNLS

?us5208907/pn \*\* SS 3: Results 1 Search statement ?prt full nonstop legalall 1/1 PLUSPAT - (C) QUESTEL-ORBIT- image CPIM (C) Questel-Orbit - US5208907 A 19930504 [US5208907] - (A) Method for generating a display utilizing objects in an object list - (A) EMTEK HEALTH CARE SYSTEMS INC (US) - (A) SHELTON RICHARD E (US); NORDEN-PAUL RONALD E (US); THURMAN AUDREE A (US); PERSON STANLEY C (US) - US54038290 19900619 [1990US-0540382] 19890313 [1989US-0322740] - US32274089 - US54038290 19900619 [1990US-0540382] - (A) G06F-015/20 - G06F-003/023A2 - G06F-017/24F - G06F-017/60T PCL - ORIGINAL (O): 707505000; CROSS-REFERENCE (X): 345803000 345975000 707004000 707509000 707530000 - Corresponding document CT - US3588838; US4258361; US4315309; US4484302; US4555775; US4597045; US4651146; US4653020; US4658366; US4737912; US4761642; US4807123; US4837693; US4851999; US4878175 - Using 1-2-3 Special Edition, Que Corp., 1987, pp. 12-35, 46-56-66-69, 78-80, 98-101, 274-278 and 756-757. Foley and Van Dam, Fundamentals of Interactive Computer Graphics, 1982, pp. 55-61 and 222-234. Poole, Lon, Your Atari Computer, Osborne/McGraw-Hill, 1982, pp. 405-411. Butterworth, "Forms Definition Method", 5th Phoenix Conference on Computers and Communications Mar. 26-28, 1986. Meyers, "A Taxonomy of Window Manager User Interfaces", IEEE Computer Graphics & Applications, pp. 65-84 (Sep. 1988). Scheifler et al., "The X Window System", ACM Transactions on Graphics, vol. 5, No. 2, pp. 79-109 (Apr. 1986). STG - (A) United States patent - Input to the system is buffered by the forms manager to determine access to the tile/region and to check entered data. The tile/region will retain various information such as data entered, user, time, changes, etc. To display a form, the forms manager obtains a list of objects to be displayed. This list of objects is then edited to remove objects which are not utilized and to place the remaining objects in a prioritized order. The forms manager then generates the display. 1/1 LGST - (C) LEGSTAT PN - US 5208907 [US5208907] AP - US 540382/90 19900619 [1990US-0540382] DT - US-P ACT - 19900619 US/AE-A APPLICATION DATA (PATENT)

{US 540382/90 19900619 [1990US-0540382]}

- 19930504 US/A PATENT

- 19980626 US/AS06

SECURITY INTEREST
FIRST UNION NATIONAL BANK, AS AGENT 301 SOUTH COLLEGE STREET CORPORATE
FINANCE C \* EMTEK HEALTHCARE CORPORATION : 19980529

- 20020219 US/RF REISSUE APPLICATION FILED 20011009

UP - 2002-10

13

1/1 CRXX - (C) CLAIMS/RRX

PN - 5,208,907 A 19930504 [US5208907]

PA - Emtek Health Care Systems Inc

ACT - 19980626 REASSIGNED SECURITY INTEREST

Assignor: EMTEK HEALTHCARE CORPORATION DATE SIGNED: 05/29/1998

Assignee: FIRST UNION NATIONAL BANK, AS AGENT 301 SOUTH COLLEGE STREET

CORPORATE FINANCE CHARLOTTE, NORTH CAROLINA 28288

Reel 009279/Frame 0220

Contact: ROBINSON, BRADSHAW & HINSON, P.A. JOHN A. KINEER, LEGAL ASSISTANT 101 NORTH TRYON STREET, SUITE 1900 CHARLOTTE, NC 28246

- 20000605 REASSIGNED ASSIGNMENT OF ASSIGNOR'S INTEREST

Assignor: EMTEK HEALTH SYSTEMS, INC. DATE SIGNED: 05/15/2000

Assignee: ECLIPSYS CORPORATION 777 EAST ATLANTIC AVENUE, SUITE 200

DELRAY BEACH, FLORIDA 33483

Reel 010871/Frame 0697

Contact: THOMAS, KAYDEN, HORSTEMEYER & RISLEY SCOTT A. HORSTEMEYER 100 GALLERIA PARKWAY, SUITE 1750 ATLANTA, GA 30339-5948

- 20011009 REISSUE REQUESTED ISSUE DATE OF O.G.: 20020219 REISSUE REQUEST NUMBER: 09/974515 EXAMINATION GROUP RESPONSIBLE FOR REISSUEPROCESS: 2763

Reissue Patent Number:

1/1 PAST - (C) Thomson Derwent

AN - 200208-001512

PN - 5208907 A [US5208907]

OG - 2002-02-19

ACT - REISSUE APPLICATION FILED

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   - EMTEK HEALTH CARE SYSTEMS INC [US]
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    - 19970814 EP/REF-P
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      (DE 69031005 19970814 [DE69031005])
    - 19980701 EP/26N [+]
     NO OPPOSITION FILED
    - 20020101 EP/REG; GB/IF02 [+]
     GB: EUROPEAN PATENT IN FORCE AS OF 2002-01-01
     <GB>
UP - 2002-17
6/9 INPADOC - (C) INPADOC
PN - EP 392155 B1 19970709 [EP-392155]
TI - FORMS MANAGER
LA
   - ENG
   - SHELTON RICHARD EDWARD [US]; NORDEN-PAUL RONALD EVAN [US]; THURMAN
     AUDREE ANNE [US]; PERSON STANLEY CARL [US]
   - EMTEK HEALTH CARE SYSTEMS INC [US]
AP - EP 90102702/90-A 19900212 [1990EP-0102702]
PR - US 322740/89-A 19890313 [1989US-0322740]
IC - G06F-017/30
DS - DE* FR* GB*
1/2 LEGALI - (C) LEGSTAT
PN - DE 69031005 [DE69031005]
DT - DE-P
ACTE- 19970814 DE/REF-P
     CORRESPONDS TO
     (EP 392155 19970814 [EP-392155])
    - 19980129 DE/8373
     TRANSLATION OF PATENT DOCUMENT OF EUROPEAN PATENT WAS RECEIVED AND HAS
     BEEN PUBLISHED
    - 19980806 DE/8364 [+]
     NO OPPOSITION DURING TERM OF OPPOSITION
UP - 1998-32
2/2 LEGALI - (C) LEGSTAT
PN - EP 392155 [EP-392155]
AP - EP 90102702/90 19900212 [1990EP-0102702]
DT - EP-P
ACTE- 19900212 EP/AE-A
     EP-APPLICATION
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    - 19901017 EP/AK-A2 [+]
     DESIGNATED CONTRACTING STATES IN AN APPLICATION WITHOUT SEARCH REPORT:
     DE FR GB
    - 19901017 EP/A2 [+]
     PUBLICATION OF APPLICATION WITHOUT SEARCH REPORT
    - 19930317 EP/AK-A3 [+]
     DESIGNATED CONTRACTING STATES IN A SEARCH REPORT:
     DE FR GB
    - 19930317 EP/A3 [+]
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SEPARATE PUBLICATION OF THE SEARCH REPORT (ART. 93)
    - 19931020 EP/17P [+]
     REQUEST FOR EXAMINATION FILED
     930826
    - 19950809 EP/17Q [+]
     FIRST EXAMINATION REPORT
     950623
    - 19970709 EP/AK-B1 [+]
     DESIGNATED CONTRACTING STATES MENTIONED IN A PATENT SPECIFICATION:
     DE FR GB
    - 19970709 EP/B1 [+]
     PATENT SPECIFICATION
    - 19970725 EP/ET [+]
     FR: TRANSLATION FILED
    - 19970814 EP/REF-P
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      (DE 69031005 19970814 [DE69031005])
    - 19980701 EP/26N [+]
     NO OPPOSITION FILED
    - 20020101 EP/REG; GB/IF02 [+]
     GB: EUROPEAN PATENT IN FORCE AS OF 2002-01-01
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UP - 2002-17
7/9 INPADOC - (C) INPADOC
PN - HK 1001104 A1 19980522 [HK1001104]
TI - FORMS MANAGER
IN - SHELTON RICHARD EDWARD; NORDEN-PAUL RONALD EVAN; THURMAN AUDREE ANNE;
     PERSON STANLEY CARL
PA - EMTEK HEALTH CAR SYSTEMS INC [US]
AP - HK 98100005/98-A 19980102 [1998HK-0100005]
PR - US 322740/89-A 19890313 [1989US-0322740]
IC - G06F-000/00
8/9 INPADOC - (C) INPADOC
PN - JP 2275518 A2 19901109 [JP02275518]
TI - METHOD OF CONTROLLING INPUT AND OUTPUT OF DATA IN COMPUTATION SYSTEM
IN - RICHIYAADO EDOWAADO SHIERUTON; RONARUDO EBAN MOODEN POORU; OODORII
    ANNU SUURUMAN; SUTANREE KAARU PAASON
PA - EMUTETSUKU HERUSU KEA SYST INC
AP - JP 56767/90-A 19900309 [1990JP-0056767]
PR - US 322740/89-A 19890313 [1989US-0322740]
IC - G06F-003/02; G06F-003/03
9/9 INPADOC - (C) INPADOC
PN - US 5208907 A 19930504 [US5208907]
TI - METHOD FOR GENERATING A DISPLAY UTILIZING OBJECTS IN AN OBJECT LIST
IN - SHELTON RICHARD E [US]; NORDEN-PAUL RONALD E [US]; THURMAN AUDREE A
     [US]; PERSON STANLEY C [US]
PA - EMTEK HEALTH CARE SYSTEMS INC [US]
AP - US 540382/90-A 19900619 [1990US-0540382]
PR - US 322740/89-B1 19890313 [1989US-0322740]
IC - G06F-015/20
1/1 LEGALI - (C) LEGSTAT
PN - US 5208907 [US5208907]
AP - US 540382/90 19900619 [1990US-0540382]
DT - US-P
ACTE- 19900619 US/AE-A
     APPLICATION DATA (PATENT)
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{US 540382/90 19900619 [1990US-0540382]}

- 19930504 US/A

PATENT

- 19980626 US/AS06

SECURITY INTEREST

FIRST UNION NATIONAL BANK, AS AGENT 301 SOUTH COLLEGE STREET CORPORATE FINANCE C \* EMTEK HEALTHCARE CORPORATION : 19980529

- 20020219 US/RF

REISSUE APPLICATION FILED

20011009

UP - 2002-10